

---

---

# HOUSE BILL No. 1094

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-9.

**Synopsis:** Town police residency requirements. Establishes a general requirement that a member of a town police department must reside in Indiana in the county in which the town is located or in a contiguous county. Allows a town with a population of less than 7,500 to require its police officers to reside within the county (not in a contiguous county) and have adequate transportation and telephone service. Authorizes a town with a population of less than 7,500 to require a member to reside within the town until the member has served in the department for five years, but does not authorize the town to require a member to live within the town or the county if the member lived outside the county before the residency requirement was adopted by the town.

**Effective:** July 1, 2003.

---

---

### Stevenson

---

---

January 7, 2003, read first time and referred to Committee on Local Government.

---

---

C  
o  
p  
y



Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1094

---

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 36-8-9-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The board may appoint,  
3 subject to the qualifications for employment determined by the board  
4 and approved by the town legislative body, as many persons as  
5 necessary to serve in the police department of the town. One (1) person  
6 shall be appointed to serve as the police chief. The board may also  
7 appoint other employees that are necessary to carry on the work of the  
8 police department.  
9       (b) The board may recommend and the town legislative body shall  
10 determine the compensation to be paid to members of the police  
11 department in amounts that are just and reasonable.  
12       (c) All persons appointed must be of good moral character and serve  
13 only during good behavior. The board constitutes the safety board of  
14 the town for purposes of the suspension, demotion, or dismissal of any  
15 member of the police department. Proceedings for the suspension,  
16 demotion, or dismissal of any member of the police department shall  
17 be conducted in the manner prescribed by IC 36-8-3-4. The disciplinary

2003

IN 1094—LS 6615/DI 87+



C  
o  
p  
y

provisions of IC 36-8-3-4.1 also apply to the safety board and the police chief.

(d) The board may make general and special rules for the government and discipline of the police department and may make special and general orders to the department through the police chief, who is the executive head of the department.

~~(e) Members of the police department must:~~

~~(1) reside within the county in which the town is located;~~

~~(2) reside within fifteen (15) miles of the corporate boundaries of the town;~~

~~(3) have adequate means of transportation into the town; and~~

~~(4) maintain in their residence telephone service with the town.~~

SECTION 2. IC 36-8-9-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.1. (a) Except as provided in subsections (b) and (c), a member of a town police department must reside in Indiana in one (1) of the following areas:

(1) Within the county in which the town is located.

(2) In a county that is contiguous to the county in which the town is located.

(b) A town with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the town's police department to comply with all of the following:

(1) Reside within the county in which the town is located.

(2) Have adequate means of transportation into the town.

(3) Maintain in the member's residence telephone service with the town.

(c) The ordinance adopted by the town under subsection (b):

(1) may also require a member to reside within the town until the member has served in the department for five (5) years; and

(2) may not require a member to reside within the town or the county in which the town is located if the member resides outside the county on the date the ordinance is adopted.



C  
o  
p  
y